

Calendar No. 391

108TH CONGRESS
1ST SESSION**S. 1865**

To enhance the security of the United States and United States allies.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14 (legislative day, NOVEMBER 12), 2003

Mr. LUGAR (for himself and Mr. BIDEN) introduced the following bill; which
was read the first time

NOVEMBER 17, 2003

Read the second time and placed on the calendar

A BILL

To enhance the security of the United States and United
States allies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Security Enhancement Act of 2003”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—DEFENSE TRADE COOPERATION

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Definitions.
- Sec. 104. Exception to bilateral agreement requirements for transfers of defense items within Australia and the United Kingdom.
- Sec. 105. Certifications for the United Kingdom and Australia.
- Sec. 106. Notification of regulations permitting bilateral licensing exemptions.
- Sec. 107. Report on issues raised in consultations pursuant to bilateral agreements with Australia and the United Kingdom.
- Sec. 108. Special reports on unauthorized end-use or diversion.

TITLE II—RADIOLOGICAL TERRORISM THREAT REDUCTION

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Definitions.
- Sec. 204. International storage facilities for radioactive sources.
- Sec. 205. Discovery, inventory, and recovery of radioactive sources.
- Sec. 206. Radioisotope thermal generator power units in the independent states of the former Soviet Union.
- Sec. 207. Foreign first responders.
- Sec. 208. Threat assessment reports.
- Sec. 209. Availability of funds.

TITLE III—GLOBAL PATHOGEN SURVEILLANCE

- Sec. 301. Short title.
- Sec. 302. Findings; purposes.
- Sec. 303. Definitions.
- Sec. 304. Priority for certain countries.
- Sec. 305. Restriction.
- Sec. 306. Fellowship program.
- Sec. 307. In-country training in laboratory techniques and syndrome surveillance.
- Sec. 308. Assistance for the purchase and maintenance of public health laboratory equipment.
- Sec. 309. Assistance for improved communication of public health information.
- Sec. 310. Assignment of public health personnel to United States missions and international organizations.
- Sec. 311. Expansion of certain United States Government laboratories abroad.
- Sec. 312. Assistance for regional health networks and expansion of foreign epidemiology training programs.
- Sec. 313. Availability of funds.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 4 TEES.—The term “appropriate congressional com-
 5 mittees” means the Committee on Foreign Relations

of the Senate and the Committee on International Relations of the House of Representatives.

(2) DEFENSE ARTICLES.—The term “defense articles” has the meaning given the term in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(3) DEFENSE SERVICES.—The term “defense services” has the meaning given the term in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(4) SECRETARY.—Unless otherwise provided, the term “Secretary” means the Secretary of State.

TITLE I—DEFENSE TRADE COOPERATION

SEC. 101. SHORT TITLE.

This title may be cited as the “Defense Trade Cooperation Act of 2003”.

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) Close defense cooperation between the United States and each of the United Kingdom and Australia requires interoperability among the armed forces.

(2) The need for interoperability must be balanced with the need for the appropriate and effective

1 regulation of trade in defense articles and defense
2 services.

3 (3) The Arms Export Control Act (22 U.S.C.
4 2751 et seq.) represents a delegation to the execu-
5 tive branch of the constitutional power of Congress
6 to regulate commerce with foreign nations.

7 (4) Agreements to gain exemption from the
8 International Traffic in Arms Regulations must be
9 submitted to Congress for review.

10 **SEC. 103. DEFINITION OF INTERNATIONAL TRAFFIC IN**
11 **ARMS REGULATIONS.**

12 In this title, the term “International Traffic in Arms
13 Regulations” means the regulations maintained under sec-
14 tions 120 through 130 of title 22, Code of Federal Regula-
15 tions, or any successor regulations.

16 **SEC. 104. EXCEPTIONS TO BILATERAL AGREEMENT RE-**
17 **QUIREMENTS FOR AUSTRALIA AND THE**
18 **UNITED KINGDOM.**

19 (a) EXCEPTIONS.—Subsection (j) of section 38 of the
20 Arms Export Control Act (22 U.S.C. 2778) is amended—

21 (1) by redesignating paragraph (4) as para-
22 graph (5); and

23 (2) by inserting after paragraph (3) the fol-
24 lowing new paragraph (4):

1 “(4) EXCEPTIONS FROM BILATERAL AGREE-
2 MENT REQUIREMENTS.—

3 “(A) AUSTRALIA.—Subject to the provi-
4 sions of the Defense Trade Cooperation Act of
5 2003, the requirements for a bilateral agree-
6 ment described in paragraph (2)(A) shall not
7 apply to such a bilateral agreement between the
8 United States Government and the Government
9 of Australia with respect to transfers or
10 changes in end use within Australia of defense
11 items that will remain subject to the licensing
12 requirements of this Act after such agreement
13 enters into force.

14 “(B) UNITED KINGDOM.—Subject to the
15 provisions of the Defense Trade Cooperation
16 Act of 2003, the requirements for a bilateral
17 agreement described in paragraphs (1)(A)(ii),
18 (2)(A)(i), and (2)(A)(ii) shall not apply to such
19 a bilateral agreement between the United
20 States Government and the Government of the
21 United Kingdom for an exemption from the li-
22 censing requirements of this Act.”.

23 (b) CONFORMING AMENDMENT.—Paragraph (2) of
24 such subsection is amended in the matter preceding sub-
25 paragraph (A) by striking “A bilateral agreement” and

1 inserting “Except as provided in paragraph (4), a bilateral
2 agreement”.

3 **SEC. 105. CERTIFICATIONS FOR THE UNITED KINGDOM**
4 **AND AUSTRALIA.**

5 Not later than 30 days before authorizing an exemp-
6 tion from the licensing requirements of the International
7 Traffic in Arms Regulations in accordance with any bilat-
8 eral agreement entered into with the United Kingdom or
9 Australia under section 38(j) of the Arms Export Control
10 Act (22 U.S.C. 2778(j)), as amended by section 104 of
11 this Act, the President shall certify to the appropriate con-
12 gressional committees that such agreement—

13 (1) is in the national interest of the United
14 States and will not in any way affect the goals and
15 policy of the United States as outlined in section 1
16 of the Arms Export Control Act (22 U.S.C. 2751);

17 (2) does not adversely affect the ability of the
18 International Traffic in Arms Regulations to provide
19 consistent and adequate controls for licensed exports
20 of United States defense items; and

21 (3) will not adversely affect the duties or re-
22 quirements of the Secretary under the Arms Export
23 Control Act.

1 **SEC. 106. NOTIFICATION OF REGULATIONS PERMITTING BI-**
2 **LATERAL LICENSING EXEMPTIONS.**

3 Not later than 30 days before authorizing an exemp-
4 tion from the licensing requirements of the International
5 Traffic in Arms Regulations in accordance with any bilat-
6 eral agreement entered into with the United Kingdom or
7 Australia under section 38(j) of the Arms Export Control
8 Act (22 U.S.C. 2778(j)), as amended by section 104 of
9 this Act, the President shall submit to the appropriate
10 congressional committees the text of the regulations that
11 authorize such a licensing exemption.

12 **SEC. 107. REPORT ON ISSUES RAISED IN CONSULTATIONS**
13 **PURSUANT TO BILATERAL AGREEMENTS**
14 **WITH AUSTRALIA AND THE UNITED KING-**
15 **DOM.**

16 Not later than one year after the date of the enact-
17 ment of this Act and annually thereafter for each of the
18 following 5 years, the President shall submit to the appro-
19 priate congressional committees a report on issues raised
20 during the previous year in consultations conducted under
21 the terms of any bilateral agreement with Australia, or
22 under the terms of any bilateral agreement with the
23 United Kingdom, for exemption from the licensing re-
24 quirements of the Arms Export Control Act (22 U.S.C.
25 2751 et seq.). Each report shall contain detailed informa-
26 tion—

1 (1) on any notifications or consultations be-
2 tween the United States and the United Kingdom
3 under the terms of any agreement with the United
4 Kingdom, or between the United States and Aus-
5 tralia under the terms of any agreement with Aus-
6 tralia, concerning the modification, deletion, or addi-
7 tion of defense items on the United States Munitions
8 List, the United Kingdom Military List, or the Aus-
9 tralian Defense and Strategic Goods List;

10 (2) listing all United Kingdom or Australia per-
11 sons and entities that have been designated as quali-
12 fied persons eligible to receive United States origin
13 defense items exempt from the licensing require-
14 ments of the Arms Export Control Act under the
15 terms of such agreements, and listing any modifica-
16 tion, deletion, or addition to such lists, pursuant to
17 the requirements of any agreement with the United
18 Kingdom or any agreement with Australia;

19 (3) on consultations or steps taken pursuant to
20 any agreement with the United Kingdom or any
21 agreement with Australia concerning cooperation
22 and consultations with either government on the ef-
23 fectiveness of the defense trade control systems of
24 such government;

1 (4) on provisions and procedures undertaken
2 pursuant to—

3 (A) any agreement with the United King-
4 dom with respect to the handling of United
5 States origin defense items exempt from the li-
6 censing requirements of the Arms Export Con-
7 trol Act by persons and entities qualified to re-
8 ceive such items in the United Kingdom; and

9 (B) any agreement with Australia with re-
10 spect to the handling of United States origin
11 defense items exempt from the licensing re-
12 quirements of the Arms Export Control Act by
13 persons and entities qualified to receive such
14 items in Australia;

15 (5) on any new understandings, including the
16 text of such understandings, between the United
17 States and the United Kingdom concerning re-
18 transfer of United States origin defense items made
19 pursuant to any agreement with the United King-
20 dom to gain exemption from the licensing require-
21 ments of the Arms Export Control Act;

22 (6) on consultations with the Government of the
23 United Kingdom or the Government of Australia
24 concerning the legal enforcement of any such agree-
25 ments;

1 (7) on United States origin defense items with
2 respect to which the United States has provided an
3 exception under the Memorandum of Understanding
4 between the United States and the United Kingdom
5 and any agreement between the United States and
6 Australia from the requirement for United States
7 Government re-export consent that was not provided
8 for under United States laws and regulations in ef-
9 fect on the date of the enactment of this Act; and

10 (8) on any significant concerns that have arisen
11 between the Government of Australia or the Govern-
12 ment of the United Kingdom and the United States
13 Government concerning any aspect of any bilateral
14 agreement between such country and the United
15 States to gain exemption from the licensing require-
16 ments of the Arms Export Control Act.

17 **SEC. 108. SPECIAL REPORTS ON UNAUTHORIZED END-USE**
18 **OR DIVERSION.**

19 The Secretary shall notify the appropriate congres-
20 sional committees, in a manner consistent with ongoing
21 efforts to investigate and bring civil or criminal charges
22 regarding such matters, not later than 90 days after re-
23 ceiving any credible information regarding the unauthor-
24 ized end-use or diversion of United States exports made
25 pursuant to any agreement with a country to gain exemp-

tion from the licensing requirements of the Arms Export Control Act. Such notification may be made in classified or unclassified form and shall include—

- (1) a description of the good or service;
- (2) the United States origin of the good or service;
- (3) the authorized recipient of the good or service;
- (4) a detailed description of the unauthorized end-use or diversion of the good or service, including any knowledge by the United States exporter of such unauthorized end-use or diversion;
- (5) any enforcement action taken by the Government of the United States; and
- (6) any enforcement action taken by the government of the recipient nation.

TITLE II—RADIOLOGICAL TERRORISM THREAT REDUCTION

SEC. 201. SHORT TITLE.

This title may be cited as the “Radiological Terrorism Threat Reduction Act of 2003”.

SEC. 202. FINDINGS.

Congress makes the following findings:

- (1) It is feasible for terrorists to obtain and disseminate radioactive material by using a radiological

1 dispersion device (RDD) or by emplacing discrete
2 radioactive sources in major public places.

3 (2) An attack made in the United States or
4 against United States interests by terrorists using
5 radiological material could cause catastrophic eco-
6 nomic and social damage, although it might kill few,
7 if any, Americans.

8 (3) The first line of defense against radiological
9 terrorism is preventing the acquisition of radioactive
10 material by terrorists.

11 **SEC. 203. DEFINITIONS.**

12 In this title:

13 (1) BYPRODUCT MATERIAL.—The term “by-
14 product material” has the meaning given the term in
15 section 11 e. of the Atomic Energy Act of 1954 (42
16 U.S.C. 2014(e)).

17 (2) IAEA.—The term “IAEA” means the
18 International Atomic Energy Agency.

19 (3) INDEPENDENT STATES OF THE FORMER SO-
20 VIET UNION.—The term “independent states of the
21 former Soviet Union” has the meaning given the
22 term in section 3 of the FREEDOM Support Act
23 (22 U.S.C. 5801).

24 (4) RADIOACTIVE MATERIAL.—The term “ra-
25 dioactive material” means—

1 (A) source material and special nuclear
2 material, but does not include natural or de-
3pleted uranium;

4 (B) nuclear byproduct material;

5 (C) material made radioactive by bombard-
6ment in an accelerator; and

7 (D) all refined isotopes of radium.

8 (5) RADIOACTIVE SOURCE.—The term “radio-
9 active source” means radioactive material that is
10 permanently sealed in a capsule or closely bonded
11 and includes any radioactive material released if the
12 source is leaking or stolen, but does not include any
13 material within the nuclear fuel cycle of a research
14 or power reactor.

15 (6) RADIOISOTOPE THERMAL GENERATOR.—
16 The term “radioisotope thermal generator” means
17 an electrical generator which derives its power from
18 the heat produced by the decay of a radioactive
19 source by the emission of alpha, beta, or gamma ra-
20diation. The term does not include nuclear reactors
21 deriving their energy from the fission or fusion of
22 atomic nuclei.

23 (7) SOURCE MATERIAL.—The term “source ma-
24 terial” has the meaning given the term in section 11

1 z. of the Atomic Energy Act of 1954 (42 U.S.C.
2 2014(z)).

3 (8) SPECIAL NUCLEAR MATERIAL.—The term
4 “special nuclear material” has the meaning given
5 the term in section 11 aa. of the Atomic Energy Act
6 of 1954 (42 U.S.C. 2014(aa)).

7 **SEC. 204. INTERNATIONAL STORAGE FACILITIES FOR RA-**
8 **DIOACTIVE SOURCES.**

9 (a) AGREEMENTS ON TEMPORARY SECURE STOR-
10 AGE.—The Secretary is authorized to propose that the
11 IAEA conclude agreements with up to 8 countries under
12 which agreement each country would provide temporary
13 secure storage for orphaned, unused, surplus, or other ra-
14 dioactive sources (other than special nuclear material, nu-
15 clear fuel, or spent nuclear fuel). Such agreements shall
16 be consistent with the IAEA Code of Conduct on the Safe-
17 ty and Security of Radioactive Sources, and shall address
18 the need for storage of such radioactive sources in coun-
19 tries or regions of the world where convenient access to
20 secure storage of such radioactive sources does not exist.

21 (b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHOR-
22 IZED.—

23 (1) IN GENERAL.—The Secretary is authorized
24 to make voluntary contributions to the IAEA for use
25 by the Department of Nuclear Safety of the IAEA

1 to fund the United States share of the costs of ac-
2 tivities associated with or under agreements under
3 subsection (a).

4 (2) UNITED STATES SHARE IN FISCAL YEAR
5 2004.—The United States share of the costs of ac-
6 tivities under agreements under subsection (a) in fis-
7 cal year 2004 may be 100 percent of the costs of
8 such activities in that fiscal year.

9 (c) TECHNICAL ASSISTANCE.—The Secretary is au-
10 thorized to provide the IAEA and other countries with
11 technical assistance to carry out activities under agree-
12 ments under subsection (a) in a manner that meets the
13 standards of the IAEA Code of Conduct on the Safety
14 and Security of Radioactive Sources.

15 (d) APPLICABILITY OF ENVIRONMENTAL LAWS.—

16 (1) INAPPLICABILITY OF NEPA TO FACILITIES
17 OUTSIDE UNITED STATES.—The National Environ-
18 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
19 shall not apply with respect to any temporary secure
20 storage facility constructed outside the United
21 States under an agreement under subsection (a).

22 (2) APPLICABILITY OF FOREIGN ENVIRON-
23 MENTAL LAWS.—The construction and operation of
24 a facility described in paragraph (1) shall be gov-

1 erned by any applicable environmental laws of the
2 country in which the facility is constructed.

3 **SEC. 205. DISCOVERY, INVENTORY, AND RECOVERY OF RA-**
4 **DIOACTIVE SOURCES.**

5 (a) **AUTHORITY.**—The Secretary is authorized to pro-
6 vide assistance, including through voluntary contributions
7 to the IAEA under subsection (b), to support a program
8 of the Division of Radiation and Waste Safety of the De-
9 partment of Nuclear Safety of the IAEA to promote the
10 discovery, inventory, and recovery of radioactive sources
11 in member nations of the IAEA.

12 (b) **VOLUNTARY CONTRIBUTIONS TO IAEA AUTHOR-**
13 **IZED.**—The Secretary is authorized to make voluntary
14 contributions to the IAEA to fund the United States share
15 of the program described in subsection (a).

16 (c) **TECHNICAL ASSISTANCE.**—The Secretary is au-
17 thorized to provide the IAEA and other countries with
18 technical assistance to carry out the program described
19 in subsection (a).

20 **SEC. 206. RADIOISOTOPE THERMAL GENERATOR POWER**
21 **UNITS IN THE INDEPENDENT STATES OF THE**
22 **FORMER SOVIET UNION.**

23 (a) **SUBSTITUTION WITH OTHER POWER UNITS.**—
24 (1) **IN GENERAL.**—The Secretary is authorized
25 to assist the Government of the Russian Federation

1 to substitute solar (or other non-nuclear) power
2 sources for radioisotope thermal power units oper-
3 ated by the Russian Federation and other inde-
4 pendent states of the former Soviet Union in appli-
5 cations such as lighthouses in the Arctic, remote
6 weather stations, and for providing electricity in re-
7 mote locations.

8 (2) TECHNOLOGY REQUIREMENT.—Any power
9 unit utilized as a substitute power unit under para-
10 graph (1) shall, to the maximum extent practicable,
11 be based upon tested technologies that have operated
12 for at least one full year in the environment where
13 the substitute power unit will be used.

14 (b) CONSULTATION.—The Secretary shall consult
15 with the Secretary of Energy to ensure that substitute
16 power sources provided under this section are for facilities
17 from which the radioisotope thermal generator power units
18 have been or are being removed.

19 (c) ACTIVITIES OUTSIDE FORMER SOVIET UNION.—
20 The Secretary may use not more than 20 percent of the
21 funds available for carrying out this section in any fiscal
22 year to replace dangerous radioisotope thermal power fa-
23 cilities that are similar to the facilities described in sub-
24 section (a) in countries other than the independent states
25 of the former Soviet Union.

1 **SEC. 207. FOREIGN FIRST RESPONDERS.**

2 (a) IN GENERAL.—The Secretary is authorized to as-
3 sist foreign countries, or to propose that the IAEA assist
4 foreign countries, in the development of appropriate na-
5 tional response plans and the training of first responders
6 to—

7 (1) detect, identify, and characterize radioactive
8 material;

9 (2) understand the hazards posed by radioactive
10 contamination;

11 (3) understand the risks encountered at various
12 dose rates;

13 (4) enter contaminated areas safely and speed-
14 ily; and

15 (5) evacuate persons within a contaminated
16 area.

17 (b) CONSIDERATIONS.—In carrying out activities
18 under subsection (a), the Secretary shall take into account
19 the findings of the threat assessment report required by
20 section 208 and the location of any storage facilities for
21 radioactive sources described in section 204.

22 **SEC. 208. THREAT ASSESSMENT REPORTS.**

23 (a) REPORTS REQUIRED.—The Secretary shall, at
24 the times specified in subsection (c), submit to the appro-
25 priate congressional committees a report—

1 (1) detailing the preparations made at United
2 States diplomatic missions abroad to detect and
3 mitigate a radiological attack on United States mis-
4 sions and other United States facilities under the
5 control of the Secretary;

6 (2) setting forth a rank-ordered list of the Sec-
7 retary's priorities for improving radiological security
8 and consequence management at United States mis-
9 sions; and

10 (3) providing a rank-ordered list of the missions
11 where such improvement is most important.

12 (b) BUDGET REQUEST.—Each report under sub-
13 section (a) shall also include a proposed budget to carry
14 out the improvements listed in such report pursuant to
15 subsection (a)(2).

16 (c) TIMING.—

17 (1) FIRST REPORT.—The first report under
18 subsection (a) shall be submitted not later than 180
19 days after the date of the enactment of this Act.

20 (2) SUBSEQUENT REPORTS.—Subsequent re-
21 ports under subsection (a) shall be submitted with
22 the budget justification materials submitted by the
23 Secretary to Congress in support of the budget of
24 the President for the fiscal year (as submitted under

1 section 1105(a) of title 31, United States Code) for
 2 each fiscal year after fiscal year 2005.

3 (d) FORM.—Each report shall be submitted in un-
 4 classified form, but may include a classified annex.

5 **SEC. 209. AVAILABILITY OF FUNDS.**

6 (a) IN GENERAL.—Of the funds appropriated to the
 7 Department of State for fiscal year 2004, up to
 8 \$15,000,000 may be used to carry out this title.

9 (b) ALLOCATION OF FUNDS.—Of the amounts made
 10 available under subsection (a)—

11 (1) \$4,000,000 may be used to carry out sec-
 12 tion 204;

13 (2) \$4,000,000 may be used to carry out sec-
 14 tion 205;

15 (3) \$5,000,000 may be used to carry out sec-
 16 tion 206; and

17 (4) \$2,000,000 may be used to carry out sec-
 18 tion 207.

19 **TITLE III—GLOBAL PATHOGEN**
 20 **SURVEILLANCE**

21 **SEC. 301. SHORT TITLE.**

22 This title may be cited as the “Global Pathogen Sur-
 23veillance Act of 2003”.

1 **SEC. 302. FINDINGS; PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) Bioterrorism poses a grave national security
5 threat to the United States. The insidious nature of
6 the threat, the likely delayed recognition in the event
7 of an attack, and the underpreparedness of the do-
8 mestic public health infrastructure may produce cat-
9 astrophic consequences following a biological weap-
10 ons attack upon the United States.

11 (2) A contagious pathogen engineered as a bio-
12 logical weapon and developed, tested, produced, or
13 released in another country can quickly spread to
14 the United States. Given the realities of inter-
15 national travel, trade, and migration patterns, a
16 dangerous pathogen released anywhere in the world
17 can spread to United States territory in a matter of
18 days, before any effective quarantine or isolation
19 measures can be implemented.

20 (3) To effectively combat bioterrorism and en-
21 sure that the United States is fully prepared to pre-
22 vent, diagnose, and contain a biological weapons at-
23 tack, measures to strengthen the domestic public
24 health infrastructure and improve domestic surveil-
25 lance and monitoring, while absolutely essential, are
26 not sufficient.

1 (4) The United States should enhance coopera-
2 tion with the World Health Organization, regional
3 health organizations, and individual countries, in-
4 cluding data sharing with appropriate United States
5 departments and agencies, to help detect and quickly
6 contain infectious disease outbreaks or bioterrorism
7 agents before they can spread.

8 (5) The World Health Organization has done
9 an impressive job in monitoring infectious disease
10 outbreaks around the world, including the recent
11 emergence of the Severe Acute Respiratory Syn-
12 drome (SARS) epidemic, particularly with the estab-
13 lishment in April 2000 of the Global Outbreak Alert
14 and Response network.

15 (6) The capabilities of the World Health Orga-
16 nization are inherently limited by the quality of the
17 data and information it receives from member coun-
18 tries, the narrow range of diseases (plague, cholera,
19 and yellow fever) upon which its disease surveillance
20 and monitoring is based, and the consensus process
21 it uses to add new diseases to the list. Developing
22 countries in particular often cannot devote the nec-
23 essary resources to build and maintain public health
24 infrastructures.

1 (7) In particular, developing countries could
2 benefit from—

3 (A) better trained public health profes-
4 sionals and epidemiologists to recognize disease
5 patterns;

6 (B) appropriate laboratory equipment for
7 diagnosis of pathogens;

8 (C) disease reporting that is based on
9 symptoms and signs (known as “syndrome sur-
10 veillance”) and affords the earliest possible op-
11 portunity to conduct an effective response;

12 (D) a narrowing of the existing technology
13 gap in syndrome surveillance capabilities and
14 real-time information dissemination to public
15 health officials; and

16 (E) appropriate communications equip-
17 ment and information technology to efficiently
18 transmit information and data within national
19 and regional health networks, including inex-
20 pensive, Internet-based Geographic Information
21 Systems (GIS) and relevant telephone-based
22 systems for early recognition and diagnosis of
23 diseases.

24 (8) An effective international capability to mon-
25 itor and quickly diagnose infectious disease out-

1 breaks will offer dividends not only in the event of
2 biological weapons development, testing, production,
3 and attack, but also in the more likely cases of natu-
4 rally occurring infectious disease outbreaks that
5 could threaten the United States. Furthermore, a
6 robust surveillance system will serve to deter ter-
7 rorist use of biological weapons, as early detection
8 will help mitigate the intended effects of such malev-
9 olent uses.

10 (b) PURPOSE.—The purposes of this title are as fol-
11 lows:

12 (1) To enhance the capability and cooperation
13 of the international community, including the World
14 Health Organization and individual countries,
15 through enhanced pathogen surveillance and appro-
16 priate data sharing, to detect, identify, and contain
17 infectious disease outbreaks, whether the cause of
18 those outbreaks is intentional human action or nat-
19 ural in origin.

20 (2) To enhance the training of public health
21 professionals and epidemiologists from eligible devel-
22 oping countries in advanced Internet-based and
23 other electronic syndrome surveillance systems, in
24 addition to traditional epidemiology methods, so that
25 they may better detect, diagnose, and contain infec-

1 tious disease outbreaks, especially those due to
2 pathogens most likely to be used in a biological
3 weapons attack.

4 (3) To provide assistance to developing coun-
5 tries to purchase appropriate public health labora-
6 tory equipment necessary for infectious disease sur-
7 veillance and diagnosis.

8 (4) To provide assistance to developing coun-
9 tries to purchase appropriate communications equip-
10 ment and information technology, including, as ap-
11 propriate, relevant computer equipment, Internet
12 connectivity mechanisms, and telephone-based appli-
13 cations to effectively gather, analyze, and transmit
14 public health information for infectious disease sur-
15 veillance and diagnosis.

16 (5) To make available greater numbers of
17 United States Government public health profes-
18 sionals to international health organizations, re-
19 gional health networks, and United States diplo-
20 matic missions where appropriate.

21 (6) To establish “lab-to-lab” cooperative rela-
22 tionships between United States public health lab-
23 oratories and established foreign counterparts.

24 (7) To expand the training and outreach activi-
25 ties of overseas United States laboratories, including

1 Centers for Disease Control and Prevention and De-
2 partment of Defense entities, to enhance the disease
3 surveillance capabilities of developing countries.

4 (8) To provide appropriate technical assistance
5 to existing regional health networks and, where ap-
6 propriate, seed money for new regional networks.

7 **SEC. 303. DEFINITIONS.**

8 In this title:

9 (1) BIOLOGICAL WEAPONS CONVENTION.—The
10 term “Biological Weapons Convention” means the
11 Convention on the Prohibition of the Development,
12 Production and Stockpiling of Bacteriological (Bio-
13 logical) and Toxin Weapons and on Their Destruc-
14 tion, signed at Washington, London, and Moscow
15 April 10, 1972.

16 (2) ELIGIBLE DEVELOPING COUNTRY.—The
17 term “eligible developing country” means any devel-
18 oping country that—

19 (A) has agreed to the objective of fully
20 complying with requirements of the World
21 Health Organization on reporting public health
22 information on outbreaks of infectious diseases;

23 (B) has not been determined by the Sec-
24 retary, for purposes of section 40 of the Arms
25 Export Control Act (22 U.S.C. 2780), section

1 620A of the Foreign Assistance Act of 1961
2 (22 U.S.C. 2371), or section 6(j) of the Export
3 Administration Act of 1979 (50 U.S.C. App.
4 2405), to have repeatedly provided support for
5 acts of international terrorism, unless the Sec-
6 retary exercises a waiver certifying that it is in
7 the national interest of the United States to
8 provide assistance under the provisions of this
9 Act;

10 (C) is a state party to the Biological
11 Weapons Convention; and

12 (D) is determined by the United States
13 Government not to have an offensive biological
14 weapons program.

15 (3) ELIGIBLE NATIONAL.—The term “eligible
16 national” means any citizen or national of an eligible
17 developing country who—

18 (A) is eligible to receive a visa under the
19 provisions of the Immigration and Nationality
20 Act (8 U.S.C. 1101 et seq.); and

21 (B) is not currently or previously affiliated
22 with or employed by a laboratory or entity de-
23 termined by the United States Government to
24 be involved in offensive biological weapons ac-
25 tivities.

1 (4) INTERNATIONAL HEALTH ORGANIZATION.—
2 The term “international health organization” in-
3 cludes the World Health Organization and the Pan
4 American Health Organization.

5 (5) LABORATORY.—The term “laboratory”
6 means a facility for the biological, microbiological,
7 serological, chemical, immuno-hematological,
8 hematological, biophysical, cytological, pathological,
9 or other examination of materials derived from the
10 human body for the purpose of providing informa-
11 tion for the diagnosis, prevention, or treatment of
12 any disease or impairment of, or the assessment of
13 the health of, human beings.

14 (6) SELECT AGENT.—The term “select agent”
15 has the meaning applied in the administration of
16 section 72.6 of title 42, Code of Federal Regula-
17 tions.

18 (7) SYNDROME SURVEILLANCE.—The term
19 “syndrome surveillance” means the recording of
20 symptoms (patient complaints) and signs (derived
21 from physical examination) combined with simple ge-
22 ographic locators to track the emergence of a disease
23 in a population.

1 **SEC. 304. PRIORITY FOR CERTAIN COUNTRIES.**

2 Priority in the provision of United States assistance
3 for eligible developing countries under all the provisions
4 of this title shall be given to those countries that permit
5 personnel from the World Health Organization and the
6 Centers for Disease Control and Prevention to investigate
7 outbreaks of infectious diseases on their territories, pro-
8 vide early notification of disease outbreaks, and provide
9 pathogen surveillance data to appropriate United States
10 departments and agencies in addition to international
11 health organizations.

12 **SEC. 305. RESTRICTION.**

13 Notwithstanding any other provision of this title, no
14 foreign national participating in programs authorized
15 under this title shall have access, during the course of such
16 participation, to select agents that may be used as, or in,
17 a biological weapon, except in a supervised and controlled
18 setting.

19 **SEC. 306. FELLOWSHIP PROGRAM.**

20 (a) ESTABLISHMENT.—There is established a fellow-
21 ship program (hereafter in this section referred to as the
22 “program”) under which the Secretary, in consultation
23 with the Secretary of Health and Human Services and
24 subject to the availability of appropriations, shall award
25 fellowships to eligible nationals to pursue public health
26 education or training, as follows:

1 (1) MASTER OF PUBLIC HEALTH DEGREE.—

2 Graduate courses of study leading to a master of
3 public health degree with a concentration in epidemi-
4 ology from an institution of higher education in the
5 United States with a Center for Public Health Pre-
6 paredness, as determined by the Centers for Disease
7 Control and Prevention.

8 (2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY

9 TRAINING.—Advanced public health training in epi-
10 demiology to be carried out at the Centers for Dis-
11 ease Control and Prevention (or equivalent State fa-
12 cility), or other Federal facility (excluding the De-
13 partment of Defense or United States National Lab-
14 oratories), for a period of not less than 6 months or
15 more than 12 months.

16 (b) SPECIALIZATION IN BIOTERRORISM.—In addition

17 to the education or training specified in subsection (a),
18 each recipient of a fellowship under this section (hereafter
19 in this section referred to as a “fellow”) may take courses
20 of study at the Centers for Disease Control and Preven-
21 tion or at an equivalent facility on diagnosis and contain-
22 ment of likely bioterrorism agents.

23 (c) FELLOWSHIP AGREEMENT.—

24 (1) IN GENERAL.—In awarding a fellowship
25 under the program, the Secretary, in consultation

1 with the Secretary of Health and Human Services,
2 shall require the recipient to enter into an agree-
3 ment under which, in exchange for such assistance,
4 the recipient—

5 (A) will maintain satisfactory academic
6 progress (as determined in accordance with reg-
7 ulations issued by the Secretary and confirmed
8 in regularly scheduled updates to the Secretary
9 from the institution providing the education or
10 training on the progress of the recipient's edu-
11 cation or training);

12 (B) will, upon completion of such edu-
13 cation or training, return to the recipient's
14 country of nationality or last habitual residence
15 (if it is an eligible developing country) and com-
16 plete at least four years of employment in a
17 public health position in the government or a
18 nongovernmental, not-for-profit entity in that
19 country or, with the approval of the Secretary,
20 complete part or all of this requirement through
21 service with an international health organiza-
22 tion without geographic restriction; and

23 (C) agrees that, if the recipient is unable
24 to meet the requirements described in subpara-
25 graph (A) or (B), the recipient will reimburse

1 the United States for the value of the assist-
2 ance provided to the recipient under the fellow-
3 ship, together with interest at a rate deter-
4 mined in accordance with regulations issued by
5 the Secretary but not higher than the rate gen-
6 erally applied in connection with other Federal
7 loans.

8 (2) WAIVER AUTHORITY.—The Secretary may
9 waive the application of subparagraphs (B) and (C)
10 of paragraph (1) if the Secretary determines that it
11 is in the national interest of the United States to do
12 so.

13 (d) IMPLEMENTATION.—The Secretary, in consulta-
14 tion with the Secretary of Health and Human Services,
15 is authorized to enter into an agreement with any eligible
16 developing country under which the country agrees—

17 (1) to establish a procedure for the nomination
18 of eligible nationals for fellowships under this sec-
19 tion;

20 (2) to guarantee that a fellow will be offered a
21 professional public health position within the country
22 upon completion of his studies; and

23 (3) to certify to the Secretary when a fellow has
24 concluded the minimum period of employment in a
25 public health position required by the fellowship

1 agreement, with an explanation of how the require-
2 ment was met.

3 (e) PARTICIPATION OF UNITED STATES CITIZENS.—

4 On a case-by-case basis, the Secretary may provide for the
5 participation of United States citizens under the provi-
6 sions of this section if the Secretary determines that it
7 is in the national interest of the United States to do so.
8 Upon completion of education or training as a fellow under
9 this section, a United States citizen shall complete at least
10 5 years of employment in a public health position in an
11 eligible developing country or an international health orga-
12 nization.

13 **SEC. 307. IN-COUNTRY TRAINING IN LABORATORY TECH-**
14 **NIQUES AND SYNDROME SURVEILLANCE.**

15 (a) IN GENERAL.—In conjunction with the Centers
16 for Disease Control and Prevention and the Department
17 of Defense, the Secretary shall, subject to the availability
18 of appropriations, support short training courses in-coun-
19 try (not in the United States) for laboratory technicians
20 and other public health personnel from eligible developing
21 countries in laboratory techniques relating to the identi-
22 fication, diagnosis, and tracking of pathogens responsible
23 for possible infectious disease outbreaks. Training under
24 this section may be conducted in overseas facilities of the
25 Centers for Disease Control and Prevention or in Overseas

1 Medical Research Units of the Department of Defense, as
2 appropriate. The Secretary shall coordinate such training
3 courses, where appropriate, with the existing programs
4 and activities of the World Health Organization.

5 (b) TRAINING IN SYNDROME SURVEILLANCE.—In
6 conjunction with the Centers for Disease Control and Pre-
7 vention and the Department of Defense, the Secretary
8 shall, subject to the availability of appropriations, estab-
9 lish and support short training courses in-country (not in
10 the United States) for public health personnel from eligi-
11 ble developing countries in techniques of syndrome surveil-
12 lance reporting and rapid analysis of syndrome informa-
13 tion using Geographic Information System (GIS) and
14 other Internet-based tools. Training under this subsection
15 may be conducted via the Internet or in appropriate facili-
16 ties as determined by the Secretary. The Secretary shall
17 coordinate such training courses, where appropriate, with
18 the existing programs and activities of the World Health
19 Organization.

20 **SEC. 308. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY**
21 **EQUIPMENT.**
22

23 (a) AUTHORIZATION.—The President is authorized,
24 on such terms and conditions as the President may deter-
25 mine, to furnish assistance to eligible developing countries

1 to purchase and maintain public health laboratory equip-
2 ment described in subsection (b).

3 (b) EQUIPMENT COVERED.—Equipment described in
4 this subsection is equipment that is—

5 (1) appropriate, where possible, for use in the
6 intended geographic area;

7 (2) necessary to collect, analyze, and identify
8 expeditiously a broad array of pathogens, including
9 mutant strains, which may cause disease outbreaks
10 or may be used as a biological weapon;

11 (3) compatible with general standards set forth,
12 as appropriate, by the World Health Organization
13 and the Centers for Disease Control and Prevention,
14 to ensure interoperability with regional and inter-
15 national public health networks;

16 (4) necessary to secure and monitor pathogen
17 collections containing select agents; and

18 (5) not defense articles or defense services.

19 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to exempt the exporting of goods
21 and technology from compliance with applicable provisions
22 of the Export Administration Act of 1979 (50 U.S.C. App.
23 2401 et seq.) (or successor statutes).

24 (d) LIMITATION.—Amounts appropriated to carry
25 out this section shall not be made available for the pur-

1 chase from a foreign country of equipment that, if made
 2 in the United States, would be subject to the Arms Export
 3 Control Act (22 U.S.C. 2751 et seq.) or likely be barred
 4 or subject to special conditions under the Export Adminis-
 5 tration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or
 6 successor statutes).

7 (e) HOST COUNTRY'S COMMITMENTS.—The assist-
 8 ance provided under this section shall be contingent upon
 9 the host country's commitment to provide the resources,
 10 infrastructure, and other assets required to house, main-
 11 tain, support, secure, monitor, and maximize use of this
 12 equipment and appropriate technical personnel.

13 **SEC. 309. ASSISTANCE FOR IMPROVED COMMUNICATION**
 14 **OF PUBLIC HEALTH INFORMATION.**

15 (a) ASSISTANCE FOR PURCHASE OF COMMUNICATION
 16 EQUIPMENT AND INFORMATION TECHNOLOGY.—The
 17 President is authorized to provide, on such terms and con-
 18 ditions as the President may determine, assistance to eligi-
 19 ble developing countries for the purchase and maintenance
 20 of communications equipment and information technology
 21 described in subsection (b), and supporting equipment,
 22 necessary to effectively collect, analyze, and transmit pub-
 23 lic health information.

1 (b) COVERED EQUIPMENT.—Equipment (and infor-
2 mation technology) described in this subsection is equip-
3 ment that—

4 (1) is suitable for use under the particular con-
5 ditions of the area of intended use;

6 (2) meets appropriate World Health Organiza-
7 tion standards to ensure interoperability with like
8 equipment of other countries and international
9 health organizations; and

10 (3) is not defense articles or defense services.

11 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to exempt the exporting of goods
13 and technology from compliance with applicable provisions
14 of the Export Administration Act of 1979 (50 U.S.C. App.
15 2401 et seq.) (or successor statutes).

16 (d) LIMITATION.—Amounts appropriated to carry
17 out this section shall not be made available for the pur-
18 chase from a foreign country of equipment that, if made
19 in the United States, would be subject to the Arms Export
20 Control Act or likely be barred or subject to special condi-
21 tions under the Export Administration Act of 1979 (50
22 U.S.C. App. 2401 et seq.) (or successor statutes).

23 (e) ASSISTANCE FOR STANDARDIZATION OF REPORT-
24 ING.—The President is authorized to provide, on such
25 terms and conditions as the President may determine,

1 technical assistance and grant assistance to international
 2 health organizations to facilitate standardization in the re-
 3 porting of public health information between and among
 4 developing countries and international health organiza-
 5 tions.

6 (f) **HOST COUNTRY'S COMMITMENTS.**—The assist-
 7 ance provided under this section shall be contingent upon
 8 the host country's commitment to provide the resources,
 9 infrastructure, and other assets required to house, sup-
 10 port, maintain, secure, and maximize use of this equip-
 11 ment and appropriate technical personnel.

12 **SEC. 310. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO**
 13 **UNITED STATES MISSIONS AND INTER-**
 14 **NATIONAL ORGANIZATIONS.**

15 (a) **IN GENERAL.**—Upon the request of a United
 16 States chief of diplomatic mission or an international
 17 health organization, and with the concurrence of the Sec-
 18 retary, the head of a Federal agency may assign to the
 19 respective United States mission or organization any offi-
 20 cer or employee of the agency occupying a public health
 21 position within the agency for the purpose of enhancing
 22 disease and pathogen surveillance efforts in developing
 23 countries.

24 (b) **REIMBURSEMENT.**—The costs incurred by a Fed-
 25 eral agency by reason of the detail of personnel under sub-

1 section (a) may be reimbursed to that agency out of the
 2 applicable appropriations account of the Department of
 3 State if the Secretary determines that the relevant agency
 4 may otherwise be unable to assign such personnel on a
 5 non-reimbursable basis.

6 **SEC. 311. EXPANSION OF CERTAIN UNITED STATES GOV-**
 7 **ERNMENT LABORATORIES ABROAD.**

8 (a) IN GENERAL.—Subject to the availability of ap-
 9 propriations, the Centers for Disease Control and Preven-
 10 tion and the Department of Defense shall each—

11 (1) increase the number of personnel assigned
 12 to laboratories of the Centers or the Department, as
 13 appropriate, located in eligible developing countries
 14 that conduct research and other activities with re-
 15 spect to infectious diseases; and

16 (2) expand the operations of those laboratories,
 17 especially with respect to the implementation of on-
 18 site training of foreign nationals and regional out-
 19 reach efforts involving neighboring countries.

20 (b) COOPERATION AND COORDINATION BETWEEN
 21 LABORATORIES.—Subsection (a) shall be carried out in
 22 such a manner as to foster cooperation and avoid dupli-
 23 cation between and among laboratories.

24 (c) RELATION TO CORE MISSIONS AND SECURITY.—
 25 The expansion of the operations of overseas laboratories

1 of the Centers or the Department under this section shall
2 not—

3 (1) detract from the established core missions
4 of the laboratories; or

5 (2) compromise the security of those labora-
6 tories, as well as their research, equipment, exper-
7 tise, and materials.

8 **SEC. 312. ASSISTANCE FOR REGIONAL HEALTH NETWORKS**
9 **AND EXPANSION OF FOREIGN EPIDEMI-**
10 **LOGY TRAINING PROGRAMS.**

11 (a) **AUTHORITY.**—The President is authorized, on
12 such terms and conditions as the President may deter-
13 mine, to provide assistance for the purposes of—

14 (1) enhancing the surveillance and reporting ca-
15 pabilities of the World Health Organization and ex-
16 isting regional health networks; and

17 (2) developing new regional health networks.

18 (b) **EXPANSION OF FOREIGN EPIDEMIOLOGY TRAIN-**
19 **ING PROGRAMS.**—The Secretary of Health and Human
20 Services is authorized to establish new country or regional
21 Foreign Epidemiology Training Programs in eligible devel-
22 oping countries.

1 **SEC. 313. AVAILABILITY OF FUNDS.**

2 (a) IN GENERAL.—Of the funds appropriated to the
3 Department of State for fiscal year 2004, up to
4 \$35,000,000 may be used to carry out this title.

5 (b) ALLOCATION OF FUNDS.—Of the amounts made
6 available under subsection (a)—

7 (1) \$25,000,000 may be used to carry out sec-
8 tions 306, 307, 308, and 309;

9 (2) \$500,000 may be used to carry out section
10 310;

11 (3) \$2,500,000 may be used to carry out sec-
12 tion 311; and

13 (4) \$7,000,000 may be used to carry out sec-
14 tion 312.

15 (c) REPORTING REQUIREMENT.—Not later than 120
16 days after the date of the enactment of this title, the Sec-
17 retary shall, in conjunction with the Secretary of Health
18 and Human Services and the Secretary of Defense, submit
19 to the appropriate congressional committees a report con-
20 taining—

21 (1) a description of the implementation of pro-
22 grams under this title that has been undertaken or
23 is planned; and

24 (2) an estimate of the level of funding required
25 to carry out those programs at a sufficient level.

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S. 1865

A BILL

To enhance the security of the United States and
United States allies.

NOVEMBER 17, 2003

Read the second time and placed on the calendar